THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1446 of 2007

Date: 29.03.2007

Between:

Tipparapu Mallesham.

....Petitioner

And

The Collector/Chairman, District Scheduled Caste service cooperative Ltd., Karimnagar and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1446 of 2007

O R D E R:

The land of the petitioner, admeasuring Ac.9.39 guntas, in parts of Survey Nos.956, 961 and 971 of Papannapalli Village, Bejjanki Mandal, Karimnagar District, was purchased by the Karimnagar District Scheduled Caste Service Cooperative Society Limited, first respondent herein, for distribution among the deserving beneficiaries belonging to Scheduled Caste. Half of the consideration fixed for the land was paid to the petitioner. His grievance is that the balance amount, being Rs.83,875/- is not being paid, though almost eight years have elapsed.

On behalf of respondents 1 and 2, a counter affidavit is filed. The fact that the land of the petitioner, referred to above, was purchased by the first respondent-Society, is admitted. It is stated that after half of the sale consideration was paid to the petitioner, notices were received from the Branch of Andhra Bank, Bejjanki,

Primary Agricultural Cooperative Credit Society Limited, Bejjanki and another Agency, stating that this very land was mortgaged with them and that the same cannot be purchased by the respondents 1 and 2. It is stated that a notice, dated 02.06.2000, was issued to the petitioner, requiring him to clear the amounts, which are claimed by the three Agencies, referred to above, and even after receipt of the same, the petitioner has not taken any steps.

Heard the learned counsel for the petitioner and the learned Standing counsel for respondents 1 and 2.

The first respondent-Society purchased different extents of land from various persons, for allotting the same to the beneficiaries. The land belonging to the mother of the petitioner was also purchased and the entire consideration was paid. So far as the land of Ac.9.39 guntas belonging to the petitioner is concerned, half of the consideration was paid. By the time, the balance became payable, the first respondent received notices from the various Banks/Financial Institutions, stating that the land, in question, is mortgaged with them. A detailed notice, dated 02.06.2000, was issued to the petitioner, by the first respondent-Society, pointing out that according to the information received by them, the petitioner is due a sum

of Rs.2,03,435/-. The petitioner was required to obtain No Dues Certificate from the said Banks/Financial Institutions. The petitioner did not take any steps, so far. Under these circumstances, the first respondent cannot be expected to pay the balance of consideration.

Hence, the Writ Petition is disposed of, directing that as and when the petitioner submits No Dues Certificate, from the Banks/Financial Institutions, mentioned in the notice, dated 02.06.2000, the first respondent shall pay the balance of consideration. There shall be no order as to costs.

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29.03.2007

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